UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,480	04/09/2001	Robert Bjekovic	225/49820	6774

7590 11/10/2003

Crowell & Moring LLP
Intellectual Property Group
P O Box 14300
Washington, DC 20044-4300

EXAMINER	
COLE, ELIZABETH M	

ART UNIT	PAPER NUMBER
1771	

DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/828,480	BJEKOVIC ET AL.	
	Examiner	Art Unit	
	Elizabeth M Cole	1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 August 2003* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-25 and 27-29* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-25,27-29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3-25, 2729 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 418,772 in view of Stricker et al, U.S. Patent No. 5,670,235.

EP 418,772 discloses a laminate comprising a plurality of layers of thermoplastic film with sealing layers having a fiber layer disposed therebetween. The sealing layers have a melting point lower than the melting point of the thermoplastic films. Looking at fig 5, it is apparent that EP '772 discloses a structure having plural fabric layers, (3, 3', etc.) and plural sealing layers, (5, 5', etc). EP 418,772 differs from the claimed invention because EP 418,772 does not incorporating a foam layer into the laminate and does not teach that the fibers of the reinforcing fabric should partially melt during molding. Stricker et al teaches that in forming a molded panel material comprising a plurality of layers including foam layers, thermoplastic layers and fabric layers, it is advantageous if the fabric layers partially melts at least in the portion of the fabric adjacent to the thermoplastic layer, in order to more strongly bond the layers. See col. 7, lines 39-45. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have employed a fabric material such that the fibers of the fabric would partially melt in the laminate of EP'772. One of ordinary skill in the art would have been motivated to employ a fabric wherein a portion of the fibers would melt during bonding to the other layers in order to enhance the strength of the bonds

between the various layers of the material. Stricker teaches that it is important that most of the fibers not melt so that the fabric retains its integrity. Stricker teaches controlling the processing conditions so that only those fibers on the surface of the fabric will melt. Therefore, Stricker teaches that the amount of fibers to be melted should be optimized during the fabrication process so that a strong bond is formed without the fabric integrity being destroyed. It further would have been obvious to have incorporated a foam layer in order to enhance sound deadening and insulating properties as taught by Stricker et al. With regard to the fiber widths, and the placement of the fabric, foam and thermoplastic layers, it would have been obvious to one of ordinary skill in this art to have optimized the properties desired in the final product through the arrangement of the layers.

3. Applicant's arguments filed 8/22/03 have been fully considered but they are not persuasive. Applicant argues that while Stricker does teach only melting a portion of the fibers at the surface of the facing layers which are joined to a polypropylene sheet, that Stricker does not teach the claimed value of a maximum 10 vol.% in each fabric layer. However, this argument is not persuasive because Stricker teaches that is important that most of the fibers are not melted so that the fabric retains its integrity, while also teaching that sufficient fibers should melt to form a strong bond. Therefore, Stricker teaches that the amount of melted fibers is a result effective variable. Therefore, it would have been obvious to have optimized the amount of melted fibers through the process of routine experimentation which resulted in the strongest finished product.

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Elizabeth M. Cole
Primary Examiner
Art Unit 1771

e.m.c